

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

-----X
:
COMPASS-CHARLOTTE 1031, LLC, :

Plaintiff, :

v. :

Case No. 24-cv-00055 (MAD/CJH)

PRIME CAPITAL VENTURES, LLC, *et al.* :

Defendants. :
-----X

PAUL A. LEVINE, as Receiver of Prime Capital
Ventures, LLC, :

Third-Party Plaintiff, :

v. :

KRIS D. ROGLIERI, TINA M. ROGLIERI, :
KIMBERLY HUMPHREY a/k/a KIMMY :
HUMPHREY, PRIME COMMERCIAL :
LENDING, LLC, COMMERCIAL CAPITAL :
TRAINING GROUP, THE FINANCE :
MARKETING GROUP, NATIONAL :
ALLIANCE OF COMMERCIAL LOAN :
BROKERS LLC and FUPME, LLC, :

Third-Party Defendants. :
-----X

DECLARATION OF PIETER VAN TOL

Pieter Van Tol, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am a partner with the firm of Hogan Lovells US LLP, and this firm is counsel for Third-Party Defendants Kris D. Roglieri, Kimberly Humphrey (a/k/a Kimmy Humphrey), Prime Commercial Lending, LLC, Commercial Capital Training Group, The Finance Marketing Group,

National Alliance of Commercial Loan Brokers LLC, and FUPME, LLC in the above action. I am admitted to the bar of the State of New York and to practice before this Court.

2. I submit this declaration in opposition to the Receiver's motion for an attachment order and expedited discovery. The sole purpose of this declaration is to provide copies of documents to the Court.

3. Annexed hereto as **Exhibit 1** is a true and correct copy of email communications between me and KeyBank on January 17, 2024 in which KeyBank stated that it would suspend the production of documents subpoenaed by Plaintiff Compass-Charlotte 1031, LLC ("Compass") pending the resolution of Prime Capital's motion to stay expedited discovery.

4. Annexed hereto as **Exhibit 2** is a true and correct copy of email communications in which a representative of KeyBank confirms having received renewed requests by the Receiver and counsel for Compass for production of personal bank records despite Prime Capital's then-pending motion to stay expedited discovery in this action.

5. Annexed hereto as **Exhibit 3** is a true and correct copy of an email sent by the Receiver to certain subpoena recipients requesting that those recipients still produce documents despite the Court's January 29, 2024 order staying expedited discovery in this action.

6. Annexed hereto as **Exhibit 4** is a true and correct copy of email communications in which the Receiver and counsel for Compass request that certain subpoena recipients continue to produce documents despite the Court's January 29, 2024 order staying expedited discovery in this action.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 7, 2024

/s/ *Pieter Van Tol*

Pieter Van Tol